IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30364 of 2007(M)

PETITIONER:

K.PONNAYYAN NADAR,
SUKH BHAVAN, KUNJUKONAM, PROPRIETOR,
KKP FURNITURE MART, THANNIMOOD P.O.,
THIRUVANANTHAPURAM-695 123.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:
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1. THE GENERAL MANAGER,
THIRUVANANTHAPURAM DIST. CO-OPERATIVE BANK,
THIRUVANANTHAPURAM.

2. THE AUTHORIZED OFFICER,
THIRUVANANTHAPURAM DIST. CO-OPERATIVE BANK,
THIRUVANANTHAPURAM.

3. THE GENERAL MANAGER,
DIST. INDUSTRIES CENTER, THIRUVANANTHAPURAM.

4. THE THIRUVANANTHAPURAM DIST.CO-OP. BANK,
REP. BY ITS GENERAL MANAGER.

5. STATE OF KERALA, REP. BY ITS
SECRETARY, DEPT. OF FINANCE, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV.SRI.T.R.HARIKUMAR, SC FOR R1
GOVT. PLEADER SMT.PUSHPALATHA FOR R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 30364 of 2007

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Dated this the 16th day of October, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner retired from the KSEB and started a SSI Unit. He availed loan. Recovery proceedings were commenced. Petitioner approached this court earlier. By Ext.P5 judgment, application of the petitioner was directed to be considered. Petitioner was called upon to pay Rs.9,99,945/- as on 31.8.2007 and interest thereafter. Relief was given to the petitioner on the basis of Ext.P6 circular.

2. I heard learned counsel for the respondents Sri. T.R.Harikumar. He points out that in fact the Bank has shown maximum leniency and about Rs.34 Lakhs was reduced and the balance amount payable is around Rs. 9 Lakhs and the petitioner was asked to pay the amount on or before 14.10.2007. But the petitioner has not paid the amount. Counsel for the petitioner submits that the petitioner was able to pay Rs.Two Lakhs on 4.10.2007 as evident from Ext.P8. Petitioner submits that there was financial constrains because of the

marriage of his daughter and therefore he was not able to pay the entire amount.

Even though learned counsel for the Bank submits that the petitioner may not be given any indulgence as already the Bank has given maximum indulgence and the petitioner did not file the application within the time and has not paid the amount, as financial stringency is pleaded and the petitioner seeks only sometime, I feel that some indulgence can be shown to the petitioner. It is also pointed out that the scheme itself is available till 31.1.2008. Sri. T.R.Harikumar also does not dispute the fact that there is no prohibition against extending the time as per the scheme. Having regard to all facts and circumstances, the petitioner is granted three weeks time from today to pay off the balance amount remaining to be paid.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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